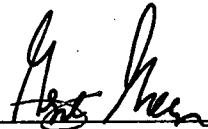


By: 

S.B. No. 804

A BILL TO BE ENTITLED

AN ACT

relating to polygraph examinations of certain civil service employees in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 158, Local Government Code, is amended by adding Section 158.041 to read as follows:

Sec. 158.041. POLYGRAPH EXAMINATIONS OF CERTAIN EMPLOYEES.

A department included in the coverage of a civil service system of a county with a population of 2.4 million or more may not suspend, terminate, or discriminate against an employee of the department because the employee refuses to take a polygraph examination.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

4-24-91

5-2-91

By: Green S.B. No. 804  
(In the Senate - Filed March 5, 1991; March 7, 1991, read first time and referred to Committee on State Affairs; April 24, 1991, reported favorably by the following vote: Yeas 12, Nays 0; April 24, 1991, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Glasgow	x			
Henderson				x
Carriker	x			
Dickson	x			
Ellis	x			
Green	x			
Harris of Dallas	x			
Leedom	x			
Lucio	x			
Lyon	x			
Moncrief	x			
Rosson	x			
Whitmire	x			

A BILL TO BE ENTITLED  
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\* \* \* \* \*

Austin, Texas  
April 24, 1991

Hon. Bob Bullock  
President of the Senate

Sir:

We, your Committee on State Affairs to which was referred S.B. No. 804, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Glasgow, Chairman

**FAVORABLE  
SENATE COMMITTEE REPORT ON**

SB SCR SJR SR HB HCR HJR 804  
By Green  
(Author/Senate Sponsor)  
4-24-91  
(date of submission to Senate)

Lt. Governor Bob Bullock  
President of the Senate

Sir:

We, your Committee on State Affairs, to which was referred the attached measure,  
have on 4-24-91, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Glasgow, Chairman	<input checked="" type="checkbox"/>			
Henderson, Vice Chairman			<input checked="" type="checkbox"/>	
Carriker	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Dickson	<input checked="" type="checkbox"/>			
Ellis	<input checked="" type="checkbox"/>			
Green	<input checked="" type="checkbox"/>			
Harris, O.H.	<input checked="" type="checkbox"/>			
Leedom	<input checked="" type="checkbox"/>			
Lucio	<input checked="" type="checkbox"/>			
Lyon	<input checked="" type="checkbox"/>			
Moncrief	<input checked="" type="checkbox"/>			
Rosson	<input checked="" type="checkbox"/>			
Whitmire	<input checked="" type="checkbox"/>			
TOTAL VOTES	<u>#12</u>	<u>6</u>	<u>2</u>	<u>0</u>

**COMMITTEE ACTION**

S260 Considered in public hearing  
S270 Testimony taken  
Leshae MacIsa  
COMMITTEE CLERK

Bob Glasgow  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill  
Deliver one copy of this form to the Calendar Clerk, Room 218 Capitol  
Deliver one copy of this form to the Legislative Reference Library, Room 207B Capitol  
Retain one copy of this form for Committee files

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**

March 20, 1991

**TO:** Honorable Bob Glasgow, Chairman  
Committee on State Affairs  
Senate Chamber  
Austin, Texas

**IN RE:** Senate Bill No. 804  
By: Green

**FROM:** Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 804 (relating to polygraph examinations of certain civil service employees in certain counties) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

**Source:** Comptroller of Public Accounts;  
LBB Staff: JO, JWH, DF, EC, PA

**RECEIVED**

MAR 21 1991

SENATE  
State Affairs Comm.

## REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

Hon. Bill Haley, Chairman  
Administration Committee

Sir:

Notice is hereby given that SB 804, by: Green,  
(Bill No.) (author)  
was heard by the Committee on State Affairs on 4-24 19 41,  
and reported out with the recommendation that it be placed on the Local Uncontested Bills Calendar.

  
Clerk of the reporting committee

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE BILL OR RESOLUTION SHOULD BE DELIVERED TO ROOM 419. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS 5:00 P.M. FRIDAY.

Paper clip the original to the bill; retain one copy for reporting committee files; deliver one copy to the bill sponsor.



**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE**

March 20, 1991

**TO:** Honorable Bob Glasgow, Chairman  
Committee on State Affairs  
Senate Chamber  
Austin, Texas

**IN RE:** Senate Bill No. 804  
By: Green

**FROM:** Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 804 (relating to polygraph examinations of certain civil service employees in certain counties) this office has determined the following:

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**Source:** Comptroller of Public Accounts;  
LBB Staff: JO, JWH, DF, EC, PA

**RECEIVED**

MAR 21 1991

**SENATE**  
State Affairs Comm.

# HOUSE COMMITTEE REPORT

1st Printing

91 MAY 17 PM 10:42

HOUSE OF REPRESENTATIVES

By: Green  
(Yarbrough)

S.B. No. 804

## A BILL TO BE ENTITLED

### AN ACT

relating to polygraph examinations of certain civil service employees in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 158, Local Government Code, is amended by adding Section 158.041 to read as follows:

#### Sec. 158.041. POLYGRAPH EXAMINATIONS OF CERTAIN EMPLOYEES.

A department included in the coverage of a civil service system of a county with a population of 2.4 million or more may not suspend, terminate, or discriminate against an employee of the department because the employee refuses to take a polygraph examination.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.



COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

5-17-91  
(date)

Sir:  
We, your COMMITTEE ON COUNTY AFFAIRS,  
to whom was referred SB 804 have had the same under consideration and beg to report  
(measure)

back with the recommendation that it  
(☒) do pass, without amendment.  
( ) do pass, with amendment(s).  
( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
A fiscal note was requested. ( ) yes (☒) no An author's fiscal statement was requested. ( ) yes (☒) no  
A criminal justice policy impact statement was requested. ( ) yes (☒) no  
An equalized educational funding impact statement was requested. ( ) yes (☒) no  
An actuarial analysis was requested. ( ) yes (☒) no  
A water development policy impact statement was requested. ( ) yes (☒) no  
A federal funds impact statement was requested. ( ) yes (☒) no  
(☒) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.  
This measure ( ) proposes new law. (☒) amends existing law.  
House Sponsor of Senate Measure Yarbrough  
The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Eckels, Ch.	<input checked="" type="checkbox"/>			
Campbell, V.C.	<input checked="" type="checkbox"/>			
Chisum				<input checked="" type="checkbox"/>
Jones	<input checked="" type="checkbox"/>			
Kamel				<input checked="" type="checkbox"/>
Linebarger	<input checked="" type="checkbox"/>			
Martin				<input checked="" type="checkbox"/>
Rabuck	<input checked="" type="checkbox"/>			
Rodriguez	<input checked="" type="checkbox"/>			
Wentworth				<input checked="" type="checkbox"/>
Willy				<input checked="" type="checkbox"/>

Total      6      aye  
                 0      nay  
                 0      present, not voting  
                 5      absent

[Signature]  
CHAIRMAN  
Edward K. McCall  
COMMITTEE COORDINATOR

## BILL ANALYSIS

S.B. 804

By Green

(Yarbrough)

### Background Information

Committee on  
County Affairs

Chapter 158 of the Local Government Code is entitled County Civil Service. Its provisions were enacted in 1971. Counties over 200,000 in population may adopt the provisions of Chapter 158. There are special provisions regarding a civil service system in a sheriff's department contained in Chapter 158 that may be adopted by counties of 950,000 population or more pursuant to legislation enacted in 1981. The provisions concerning a civil service system in such sheriff's department require voter approval. Members of the commission are appointed by the sheriff, commissioners court, and district attorney. The sheriff's civil service commission has the authority to adopt rules concerning the selection, classification, promotion, dismissal, discipline, and other matters concerning working conditions of sheriff department personnel.

### Purpose

This legislation would prohibit a sheriffs department in affected county from taking adverse action against an employee for refusing to take a polygraph examination.

### Section-by-Section Analysis

Section 1. Amends by adding §158.041 to prohibit a sheriff's department in a county of 2.4 million population with a civil service system from suspending, terminating, or discriminating against a sheriff's employee who refuses to take a polygraph examination.

Section 2. Emergency Clause.

### Rulemaking Authority

It is the opinion of this committee that this bill does not delegate any rulemaking authority to any state agency, officer, department, court or institution.

### SUMMARY OF COMMITTEE ACTION

Pursuant to a notice posted in accordance with the House rules, the full committee met in a public hearing on May 15, 1991, where the Chair laid out SB 804. Testimony was taken on the bill. The Chair left SB 804 pending before the committee.

On May 17, 1991, the full committee met in a formal meeting where the Chair laid out SB 804. The full committee voted to report SB 804 back to the House, without amendment, with the recommendation that it do pass and be sent to the Committee on Local and Consent Calendars. The record vote was as follows:  
Aye 6, PNV 0, Nay 0, Absent 5.

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE**

**March 20, 1991**

**TO: Honorable Bob Glasgow, Chairman  
Committee on State Affairs  
Senate Chamber  
Austin, Texas**

**IN RE: Senate Bill No. 804  
By: Green**

**FROM: Jim Oliver, Director**

**In response to your request for a Fiscal Note on Senate Bill No. 804 (relating to polygraph examinations of certain civil service employees in certain counties) this office has determined the following:**

**No fiscal implication to the State is anticipated.**

**Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.**

**Source: Comptroller of Public Accounts;  
LBB Staff: JO, JWH, DF, EC, PA**

**RECEIVED**

**MAR 21 1991**

**SENATE  
State Affairs Comm.**

S.B. No. 804

By Gene Jones

A BILL TO BE ENTITLED

AN ACT: relating to polygraph examinations of certain civil service employees in certain counties.

3-5-91 Filed with the Secretary of the Senate

MAR 7 1991 Read and referred to Committee on STATE AFFAIRS

APR 24 1991 Reported favorably \_\_\_\_\_

\_\_\_\_\_ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

\_\_\_\_\_ Ordered not printed

MAY 3 1991 Laid before the Senate

\_\_\_\_\_ Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

MAY 3 1991 Read second time, \_\_\_\_\_, and ordered engrossed by: { unanimous consent  
a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Caption ordered amended to conform to the body of the bill.

MAY 3 1991 Senate and Constitutional 3 Day Rule suspended by a vote of 31 yeas, 0 nays.

MAY 3 1991 Read third time, \_\_\_\_\_, and passed by: { A viva voce vote  
31 yeas, 0 nays

Lucy King  
SECRETARY OF THE SENATE

OTHER ACTION:

May 3, 1991 Engrossed

5-6-91 Sent to House

Engrossing Clerk Ratsy Isaac

MAY 6 1991 Received from the Senate

MAY 8 1991 Read first time and referred to Committee on COUNTY AFFAIRS

17 May 91 Reported favorably amended, sent to Printer at 4:00pm

MAY 17 1991 Printed and Distributed 10:42p

5-20-91 Sent to Committee on Calendars 9:16am

\_\_\_\_\_ Read Second time (amended): passed to third reading (failed)

\_\_\_\_\_ by (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays \_\_\_\_\_ present not voting.

\_\_\_\_\_ Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays \_\_\_\_\_ present not voting.

\_\_\_\_\_ Read third time (amended): finally passed (failed) by a (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays \_\_\_\_\_ present not voting.

\_\_\_\_\_ Caption ordered amended to conform to body of bill.

\_\_\_\_\_ Returned to Senate.

CHIEF CLERK OF THE HOUSE

\_\_\_\_\_ Returned from House without amendment.

\_\_\_\_\_ Returned from House with \_\_\_\_\_ amendments.

\_\_\_\_\_ Concurred in House amendments by a viva voce vote \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged.

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

91 MAY 17 PM 10:42

HOUSE OF REPRESENTATIVES

25